

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) NO. 04-30034-MAP
)
MICHAEL CROOKER)

DEFENDANT'S MOTION TO SUPPRESS
SEALED MAIL

Now comes the defendant in the above entitled action and moves this Honorable Court issue an order suppressing the seizure of certain parcels of sealed mail as more particularly described herein and as his basis therefore asserts the following;

1. On June 14, 2004 the defendant was arrested and charged with the crime set forth above. The defendant was ordered detained pre-trial and has been held in a series of facilities since his detention.
2. The defendant has been held at Middleton, MA., Walpole, MA., Central Falls, RI., and Suffield, CT.
3. During the pendency of his detention the defendant has sent and received in excess of 115 First Class letters.
4. Upon information and belief the defendant's First Class mail was sealed against inspection and not subject to seizure without a warrant issued in accordance with Rule 41 of Federal Rules of Criminal Procedure.
5. Upon information and belief agents of the Government caused agents of a Private for Profit Corporation who were detaining the defendant under a contact with the United States Marshal's Service to unlawfully conduct warrantless searches and seizure of defendant's sealed First Class mail.

Upon information and belief this was accomplished in part by the service of what purported to be a Grand Jury subpoena; copies of which the defendant has yet to have access to.

Upon information and belief the defendant's sealed mail was seized from a locked letter box which was a repository for the United States Postal Service.

As a result of the Government's action the defendant's sealed mail was seized and the contents of said mail was unlawfully obtained by the Government.

The defendant believes and therefore avers the Government intends to introduce said evidence, or evidence derived therefrom at the trial of this indictment.

The Government ought not to be permitted to introduce said evidence for the following reasons;

The seizure as above said were warrantless and per se unreasonable in violation of the defendant's rights under the 4th and 14th Amendments.

The seizure as afore said were not made in accordance with United State Postal Service regulations requiring the existence of a search warrant issued pursuant to Rule 41 in order to effect the search and seizure of sealed First Class mail.

WHEREFORE, the defendant claims said items of evidence and evidence derived therefrom was obtained in violation of his rights under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, and that the evidence so obtained be suppressed at the trial of these indictments; in anticipation of further discovery by way of evidentiary hearing; leave is sought to amend and supplement the grounds and basis alleged in support of the motion to suppress and for the filing of an additional memorandum of law in order to properly focus the relevant issues for the Court's consideration.

THE DEFENDANT

BY:/s/ Vincent A. Bongiorno, Esq.
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CERTIFICATE OF SERVICE

I, Vincent A. Bongiorno, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to Assistant United States Attorney, Kevin O'Regan, Esq., United States District Court, 1550 Main Street, Springfield, MA. 01103 this 6th day of June 2006.

/s/ Vincent A. Bongiorno